

REMARKS

In response to the Office Action mailed March 28, 2005, Applicant respectfully requests reconsideration. To further the prosecution of this Application, Applicant submits the following remarks. Applicant prays that, after consideration of these remarks, a favorable decision will be provided regarding the claims. The claims as now presented are believed to be in allowable condition.

Claims 1-20 were pending in this Application. Claims 21 and 22 have been added. Accordingly, claims 1-22 are now pending in this Application. Claims 1, 10, 12 and 22 are independent claims.

Allowed Claims

Claim 8 was objected to as being dependent on a rejected base claim but was deemed allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant has added claim 22 which includes all of the limitations of claim 8 and claim 1. Accordingly, claim 22 is now in allowable condition.

Objections

Claims 7-10, 14 and 19 were objected to due to typographical errors in the claim. Claims 7-10, 14 and 19 have been amended to correct the typographical errors cited by the Examiner. Accordingly, the objection to claims 7-10, 14 and 19 are believed to have been overcome.

Rejections under §112

The Examiner rejected claims 3 and 7-9 as being indefinite. Claims 3 and 7-9 have been amended to replace the indefinite terms cited by the Examiner. Accordingly, the rejection of claims 3 and 7-9 under 35 U.S.C. §112 are believed to have been overcome.

Rejections under §102

Claims 1, 9-10 and 12-14 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication US2002/0105911 to Pruthi et al. (hereinafter Pruthi). The Examiner stated that Pruthi teaches a network processor. Applicants respectfully disagree with the Examiner's statement. A careful review of Pruthi shows a processor used to collect and analyze communications data. As described in paragraph 34, the processor is actually a host computer, not a network processor.

In contrast to Pruthi, claim 1 recites the use of a network processor. As is known to one of reasonable skill in the art, a network processor is different from a host computer. A network processor, as described in the specification as filed at page 6, lines 5-10, which states:

The network processor is typically utilized to perform packet processing, cell processing, look-up table processing and queue management within a network switch or router. The present invention utilizes a network processor in a completely different manner by programming the various processors the network processor to provide test system functionality instead of switching and routing functionality.

Further, claim 1 has been amended to recite that the network processor is capable of performing packet switching and routing functions and is programmed to provide test system functionality. By way of amended claim 1, a network processor which is conventionally used to provide switching and routing functions in a network switch or router, is used in a different manner to provide test system functionality. Pruthi fails to disclose or suggest the use of a network processor to perform test system functions. Therefore, since claim 1 recites using a network processor which has been reprogrammed to perform test system functions, while Pruthi utilizes a host computer processor, amended claim 1 is believed allowable over Pruthi. Claims 10 and 12 have been amended in a similar manner as claim 1, and are believed allowable over Pruthi for the same reasons that claim 1 is allowable over Pruthi. Claims 9, 13 and 14 depend from claim 1 or 12 and are

believed allowable as they depend from a base claim which his believed allowable. Accordingly, the rejection of claims 1, 9-10 and 12-14 is believed to have been overcome.

Rejections under §103

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pruthi in view of U.S. Patent No. 6,385,195 to Sicher et al. (hereinafter Sicher). Claim 2 depends from claim 1 and is believed allowable as it depends from a base claim which is believed allowable. Accordingly, the rejection of claim 2 under 35 U.S.C. §103(a) is believed to have been overcome.

Claims 3-5, 11 and 15-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pruthi. Claims 3-5, 11 and 15-20 depend from claims 1, 10 or 12 and are believed allowable as they depend from a base claim which his believed allowable. Accordingly, the rejection of claims 3-5, 11 and 15-20 under 35 U.S.C. §103(a) is believed to have been overcome.

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pruthi in view of AudioPro VOIP Network Monitoring & Analysis (hereinafter AudioPro). Claims 6 and 7 depend from claim 1 and are believed allowable as they depend from a base claim which his believed allowable. Accordingly, the rejection of claims 6 and 7 under 35 U.S.C. §103(a) is believed to have been overcome.

Newly Added Claims

Claims 21 and 22 have been added and are believed to be in allowable condition. Claim 21 comprises the previously entered duplicate claim 3. Claim 22 comprises a combination of previously objected to claim 8 and claim 1. No new matter has been added.

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Prior Art Made of Record

The prior art made of record is not believed to disclose or suggest the present invention.

Conclusion

In view of the foregoing remarks, the Examiners objections and rejection are believed to have been overcome, placing claims 1-22 be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicants' Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



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